

Stipulations

The following facts are agreed to and admitted by both ViSalus and Ms. Wakefield.

1. Plaintiff Lori Wakefield is a citizen of Oregon and a resident of Clackamas County.
2. Defendant ViSalus is a Nevada corporation with a principal place of business in Michigan.
3. ViSalus is a multi-level marketing company, also known as direct selling or network marketing, that sells weight-loss products and dietary supplements. Such products have included at times a variety of “kits”—such as the “Balance Kit,” “Shape-Kit,” “Core Kit,” “Transformation Kit,” and “Challenge Kit,” combining different products depending on customer choice—that customers choose based on what kind of result they’re looking for, from losing weight to building muscle.
4. ViSalus makes money primarily through its “promoters,” independent contractors who sell ViSalus products through their own business networks.
5. ViSalus supports and incentivizes promoters by building value in its products, opportunities and company, providing training and workshops, creating collateral marketing materials to help promoters sell the products, and offering enticing rewards for the highest-ranking promoters.

6. Promoters must enroll with ViSalus, which requires submitting a promoter application either online (through ViSalus's website) or in print (and that information is manually entered into ViSalus's computer system). Consumers may purchase products directly from ViSalus by submitting a purchase form either through ViSalus's website or on a print form.

7. Whether submitted online or in print, the promoter applications are identical and the process for enrollment has been the same since 2011.

8. All active ViSalus promoters have access to an online "Vi-Net" account (provided they pay the fee for a Vi-Net account).

9. ViSalus also maintains an internal online database—the "Exigo" system—which keeps live records of the information on individuals' Vi-Net accounts.

10. In June or July 2012, ViSalus created and employed a team of outbound calling agents collectively referred to within the company as "Outbound Support."

11. Although the original purpose of Outbound Support was to contact people who had attempted to purchase products but whose credit cards were declined, the agents eventually began to call customers to inform them of various marketing campaigns.

12. While these campaigns varied in topic, the calls were made for the same general purpose: to retain customers and generate revenue for ViSalus.

13. The Outbound Support team initially dialed telephone numbers manually using an Avaya telephone system. However, sometime in or around 2013 or 2014, ViSalus updated its Avaya system with a feature called the Proactive Outreach Manager (“POM”), which enabled it to place autodialed and agentless calls. ViSalus stopped conducting manually dialed mass-calling marketing campaigns once it had POM.

14. In 2013, ViSalus began downsizing the company, reducing its overall number of employees.

15. ViSalus placed calls through POM using a systematic two-step process: first, ViSalus created a contact list for the campaign, utilizing information from the Exigo system such as whether a customer had become “inactive;” then, an Outbound Support agent uploaded the contact list to POM and assigned it to run with the appropriate campaign.

16. Once the contact list was uploaded to POM, the Outbound Support team could begin placing calls with the click of a button. Ex. A, Composite of POM Instructions (explaining that once you “[c]lick on the play button” all the caller would have to do is “verify Campaign in running”).

17. With POM, ViSalus used two campaign strategies: “Press One” calls (where a prerecorded or artificial voice instructed customers to “press [1] to be connected to a live person now”), and “voice casting” calls (where an audio clip played a prerecorded callback message). Ex. B, Excerpts of January 20, 2017 Deposition of Justin Call (“Call Dep.”) at 98:23-24, 72:11-73:15.

18. “Press One” and “voice casting” calls were all placed through POM.

19. ViSalus's process for placing prerecorded calls remained the same until the Outbound Support team was dissolved in January 2016.

20. Ms. Wakefield briefly signed up to be a ViSalus promoter in February 2012.

21. Ms. Wakefield subsequently ended her affiliation with the company.

22. Ms. Wakefield received calls from ViSalus in April 2015, but the exact number of calls received is in dispute.

23. Each call was directed to a landline telephone. Each call was intended to sell ViSalus's products.

24. At least two of the telephone calls may have been from a live person.

25. Two of the telephone calls by ViSalus to the landline for the Wakefield residence in April 2015 may have used a prerecorded message.

26. Ms. Wakefield received at least five calls from ViSalus between March 1, 2015 and May 30, 2015, but the Parties do not agree on whether those calls were from a live person or contained an artificial or prerecorded voice.

27. Ms. Wakefield operated a home daycare for children in April 2015.

28. On April 8, 2015, Ms. Wakefield first contacted plaintiff's counsel Stefan Coleman by email through his website.

EXHIBIT A

1) Start with an Excel report of the information you need relating to the contacts you want to make. You will want to include headers in the document to sort the information before loading it into Avaya.

These are the headers that you will want to include.

A/S Day, Order Total (\$), Customer/Promoter ID#, Email, Language, First Name, Last Name, Customer Type (uPreferred/promoter), State, Country, Area Code, Phone Number, Time Zone, Troy Offset, Reason

You must be sure to have each of these categories even if you name them something different. Ex: You must have area code and phone number as separate columns. If you put them into one column, Avaya will not recognize the number and it will come back as invalid. The same goes for name. You must have separate columns for first and last name and not one column for both.

You must make sure to go through each column to look for inconsistencies or errors. This will help you later when loading the campaign through Avaya. Also, some errors will prevent you from being able to load the campaign if not fixed in Excel prior to that stage.

Once your spreadsheet is formatted and filtered correctly it is time to save the document.

THIS IS VERY IMPORTANT

Save the document as a "CSV (comma delimited)"

If you save it any other way, Avaya will not recognize it.

2) Open Avaya Contact Center Manager

Click on "Launchpad" at the top of the screen. Then, click "Outbound."

On the left side of the page, you will see "CCMM." Click this to launch the Outbound client.

3) Choose the option on the left side of the screen "Create and Append." This will open a new screen.

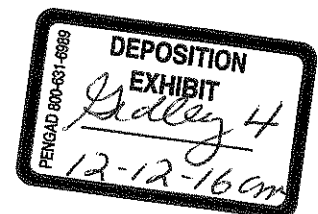
Click on the "Campaign Settings Tab"

Click "Start Configuring New Campaign"

This will give you 2 options

- 1) Create new campaign
- 2) Create using previous campaign settings

We use option 2 and then choose the name of a past campaign from which you would like to use the settings for.



4) While still in the "Campaign Settings" tab, give a Name and Description to the campaign.

5) Choose a Campaign Start Date and Time

This will give you 2 options

- 1) Start Immediately
- 2) Start at – Date – Time (This option allows you to choose when to start the campaign if you do not want it to start immediately)

6) Call Priority – Set a number to identify the priority of the campaign.

If you are only running 1 campaign, this will not matter. In that case, set the priority to 10, which is the lowest. Otherwise, prioritize as needed.

7) Agent Desktop Script – Choose the appropriate script for your campaign.

8) Click on "Additional Options" (can be found on the right side, middle of the screen)

A) Dialer Settings – 3 options

- 1) Manual Agent Dial
- 2) Auto Dial Immediately (Progressive)
- 3) Auto Dial After (Seconds) [insert time] - *If you choose this option, the time you choose must match a selection you will make in the next selection.

B) Dialer Misc.

- 1) Enable Minimum Dial Time Seconds - *This is the number that must match the number from step above.
- 2) Trunk Access Code – Insert the number that will dial before the area code. Ex. For domestic calls "91"

C) Custom Fields – Make all the fields that were used as headers in the Excel spreadsheet can be found in this list. If not, "Add" them.

D) Misc. Additional Options

- 1) "Campaign End Date and Time" – Enable if applicable
- 2) "Campaign Dialing Hours"
Using the drop down box, select "Use Customers Time Zone"
Start Time = 8:00 AM
End Time = 9:00 PM
- 3) "Disposition Codes"
Put a check in the box to all dispositions you would like to use for your campaign.

9) Click on the "Call Settings" tab at the top of the page

A) Click Import Call Data -> Import Data Source -> Import from Text File -> Next -> Select our Excel File -> Next

B) Field Delimiter = "Character ,"

C) Enable Record Selection = YES

Start Record = 1

End Record = "X" total number of contacts. This number can be found below. "X" Records in file (Data Preview Below). Make sure X=X

D) Click Next

10) Map the File Fields to the OCMT Fields – Here you will drag and drop the Field # to the corresponding OCMT Field. You can use the window below the mapping field to make sure every column has a header.

*No need to label the field that corresponds with State

-> Finish

"Data in selected rows may not have imported correctly as file format not constant" -> OK

11) You are now back in the "Call Settings" tab. If there are any contacts with a red mark next to them, select "Delete Checked Calls." This is caused by a formatting error in Excel.

12) Click "Skillset Assignment" Tab, found on bottom of screen.

<u>"Attach This Skillset to Rows..."</u>	<u>Where...</u>	<u>This Field is...</u>	<u>Equal to"</u>
Choose the skillset name that matches the campaign name you will use in Contact Manager		Choose any empty column Ex: INTL CODE	Leave Blank

*Make sure the check the box next to "Only update Empty Rows"

-> Update -> Continue -> OK

13) Time Zone Tab (on bottom)

Check the box next to "Use my time zone." This will run a time zone verification test.

14) Campaign Activation Tab -> Create Campaign

Click "OK" to fix any errors. If any calls fail validation, click "Delete Checked Calls"

Campaign Activation Tab -> Create Campaign

15) Your campaign is now created and should be loading.

A) Click "Modify Campaign" on the left

B) Make sure there is a green circle next to the campaign you just created

C) Pause or cancel other campaigns if needed

Building a contact list

- 1) Start with an Excel report of the information you need relating to the contacts you want to make. You will want to include headers in the document to sort the information before loading

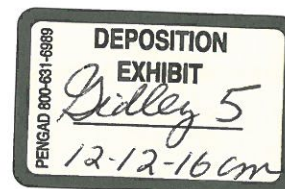
CustomerID	First Name	Last Name	Email	Phone	MobilePhone	MainCountry
3578812	Michael	Frenzl	franzl.steffen@icloud.com	15152723112	15152723112	DE
3662996	Jäger	Häcker	haecker.j@fhnw.de	1791545534		DE
3667082	Kris	Frage	frage01.kf@fhnw.de	1346791434		DE
3668809	Ulrich	Lehmann	ulrichlehmann@fhnw.de	1616161000		DE
3673345	Ute	Oppe	oppe.ute@fhnw.de	3807779516		DE
3679490	Thomas	Surek	surek.thomas@fhnw.de	1726722723		DE
3687634	Yasin	Kouand	kouand.yasin@fhnw.de	40150715425		DE
3691105	Thomas	Goesse	goesse.thomas@fhnw.de	4.366456+11		AT
3701107	Karah	Ullrich	ullrich.karah@fhnw.de	15788862429		DE
3704779	Katrin	Thomas	thomas.katrin@fhnw.de	2657521046		DE
3707235	Helmut	Unterwiesing	unterwiesing.helmut@fhnw.de	15202815432		DE
3710795	Malek	Tokmak	tokmak.malek@fhnw.de	0163.1314693		DE
3716021	Galina	Savenko	savenko.galina@fhnw.de	72615752001		DE
3716660	Verena	Klaus	klaus.verena@fhnw.de	17741796688		DE
3737957	Sabine	Vohmann	vohmann.sabine@fhnw.de	6605434661		AT
3746044	Lukas	Schellberg	schellberg.lukas@fhnw.de	6641487007		AT
3761264	Jovan	Djokic	djokic.jovan@fhnw.de	69917215744		AT
3761393	Stefan	Glasic	glasic.stefan@fhnw.de	69910246849		AT
3762016	Marc	Schulz	schulz.marc@fhnw.de	17631164101		DE
3762213	Manuela	Gloss	gloss.manuela@fhnw.de	6609413541		AT
3762593	Omar	Mohamed	mohamed.omar@fhnw.de	6.748864+11		AT
3763136	Bernhard	Masa	masa.bernhard@fhnw.de	6766585603		AT
3763489	Rudolf	Lehner	lehner.rudolf@fhnw.de	4.365056+11		AT
3765061	Alice	Dietmeier	dietmeier.alice@fhnw.de	17631360292		DE
3768831	Jörg	Noreika	noreika.joerg@fhnw.de	1704576136		DE

it into POM.

The Headers are very important. The Excel headers or campaign attributes is how POM recognize what's in each cell.

2) Correct Header Names and order

When building the contact list your header must appear in the excel spreadsheet as it does in POM. Always lead with the "Id" header or attribute first. "Id" should always appear in cell A1 in your excel spreadsheet. In the "Id" column starting with cell A2 should be the number 1. The "Id" column will list the number of contacts in the list. Depending on what info you want displayed in POM you will need an attribute for it.



ID	first name	last name	email	phonenumbe	phonenumbe1trycode
1	1578812	Michael	ferenz.steffweck@tiscali.it	13352703812	DE
2	3662996	Jager-Haefliger	hanne.lor.kofuma@gmail.com	17191415324	DE
3	3667092	Kris	frage01_1fde01@fragmob.com	3346793434	DE
4	3668809	Ursula	Lehmann.ulrikelema@tiscali.de	16161610000	DE
5	3679343	Ute	Oppermann.ute.oppermann68@gmail.com	3907779933	DE
6	3679480	Thomas	Sureck.maler-parkett-@web.de	37267222721	DE
7	3679814	yasin	kuanda.yasin.kuanda@hotmail.de	40150715425	DE
8	3686105	Thomas	Goessewetter.peterpiper83@hotmail.com	4384645411	AT
9	3701107	Sarah	lylin@baltas@gmail.com	35788862429	DE
10	3703479	Karin	Thomas.Vesterwaldmausi@aol.com	2687921846	DE
11	3707215	Helmut	unterwiesinghelmut23@hotmail.de	15302811412	DE
12	3707799	Melek	Tokmak.Structure@vivo	01631315699	AT
13	3716071	Galina	Savenko.savenkolgalina@yahoo.com	72619794201	DE
14	3716660	Verena	Klaus.piero31@hotmail.de	1774178688	DE
15	3723297	Sabine	Nikunnu.bina7878@gmail.at	6605434661	AT
16	3746946	Johann	Schellberg.Schellberger@hotmail.de	6641607007	AT
17	3761264	Jovan	Djokic	69917332344	AT
18	3761983	Stefan	glisic.stefa_34.11.93@hotmail.com	69910346049	AT
19	3762096	Marc	Schulz.cama.g@hotmail.de	17631164103	DE
20	3762213	Manuela	Gloss.manuella.gloss@gmail.at	6604111541	AT
21	3762593	Omair	Mohamed.omar.mohamed-ali@live.at	67888411	AT
22	3765116	Bernhard	Klaus.h.maza@gmail.at	676658001	AT
23	3765635	Rudolf	Lehner.rudolf.28@hotmail.com	436302413	AT
24	3765663	Klaudia	Dietmeier.K.dietmeier@gmail.de	17611360292	DE
25	3768813	Jörg	Nirenik.bahr250778@gmail.de	1704576336	DE

3) phonenumbe1trycode

You have to type out the header as it appears, "phonenumbe1trycode". In the column "phonenumbe1trycode" you want the country code number and not the country letter abbreviation. For a list of Country Codes click the following link <http://countrycode.org/>

A	B	C	D	E	F	G
id	custid	first name	last name	Email	phonenumber	phonenumber1
1	3578832	Michael	Frenzel	frenzel.proffwechsellour@gmail.com	1535229312	49
2	3662996	Jäger-Haci	Hannelore	kofuma@gmx.de	1735145524	49
3	3667092	Kris	Fragde01	kfd01@fragmob.com	3346793434	49
4	3668098	Ursula	Lehmann	ulrikelehmann@gmx.de	1614618000	49
5	3673445	Ute	Oppenmaier	sperrmann88@gmail.com	3807729553	49
6	3679490	Thomas	Sureck	maier-parkett-ig@web.de	1726722722	49
7	3682634	Yasin	Kouanda	yasin.kouanda@hotmail.de	40150715435	49
8	3686105	Thomas	Goesdres	peterpiper83@hotmail.com	4366435411	49
9	3701107	Sarah	Un	aylin99balhas@gmail.com	15788862429	49
10	3702479	Katrin	Thomas-Vetterwald	mausi@aol.com	2687921846	49
11	3707213	Wolfgang	Unterwiesing	helmuth123@hotmail.de	15302015432	49
12	3710799	Melek	Tokmak	structure@v	6163 1313693	49
13	3718021	Galina	Savenko	savenkogalina43@yahoo.com	72615758201	49
14	3718660	Verena	Klaus	piereb3@hotmail.de	1774178688	49
15	3712997	Sabine	Nohamm	bine7878@gmx.at	6605424663	43
16	3740046	Lilias	Schellberg	Schellberger@hotmail.de	6641687007	49
17	3761264	Jonas	Dyck		6991223244	49
18	3761303	Stefan	Gloss	stefan_34.11.93@hotmail.com	69910246849	49
19	3762056	Marc	Schulz	c_ema@hotmail.de	17631164103	49
20	3763213	Manuela	Gloss	manuela.gloss@gmx.at	6603411541	43
21	3763593	Omar	Alhamed	omar.mohamed-ali@live.at	676884541	49
22	3761586	Bernhard	Musa	bmusa@gmx.at	8766569403	49
23	3763493	Rudolf	Lehner	rudolfar28@hotmail.com	4345050111	49
24	3763061	Maurice	Dietmeier	K.dietmeier@gmx.de	17631380292	49
25	3768811	Jörg	Nirekts	bahr250776@gmx.de	17045769146	49

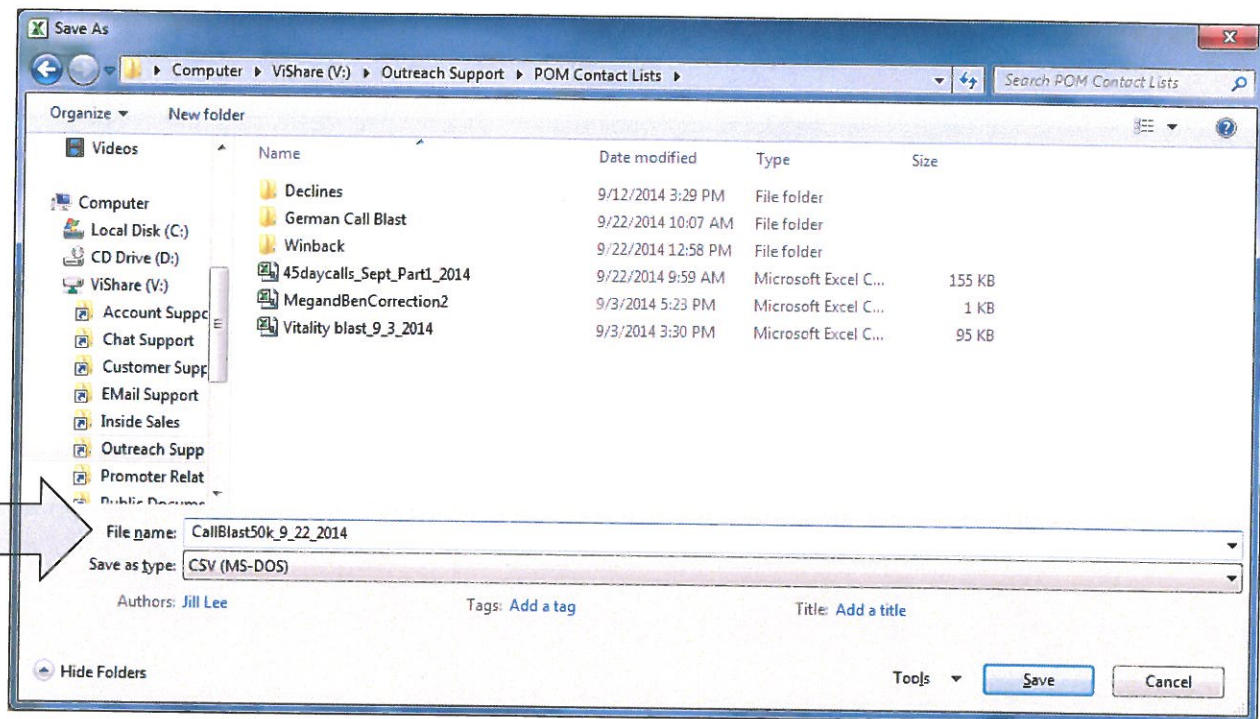
4) Saving the Contact list

After you have edited the contact list to your campaign specification, next step is to save. When saving the campaign, Go to V drive; Outreach Support; POM Contact Lists and click Save As Type: CSV (MS-DOS)

THIS IS VERY IMPORTANT

Save the document as a "CSV (MS-DOS)"

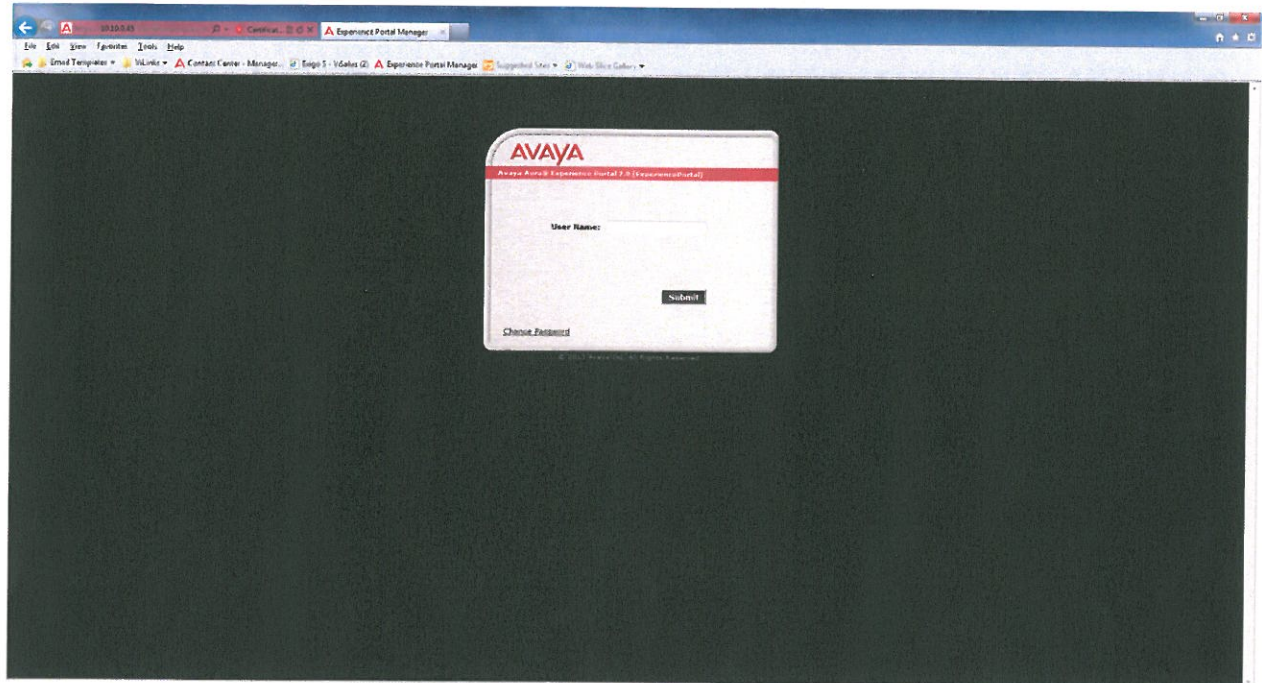
If you save it any other way, POM may not recognize it. Name the contact list after the campaign name, include how many contacts (use K to represent thousands) and date saved in the **File Name**.



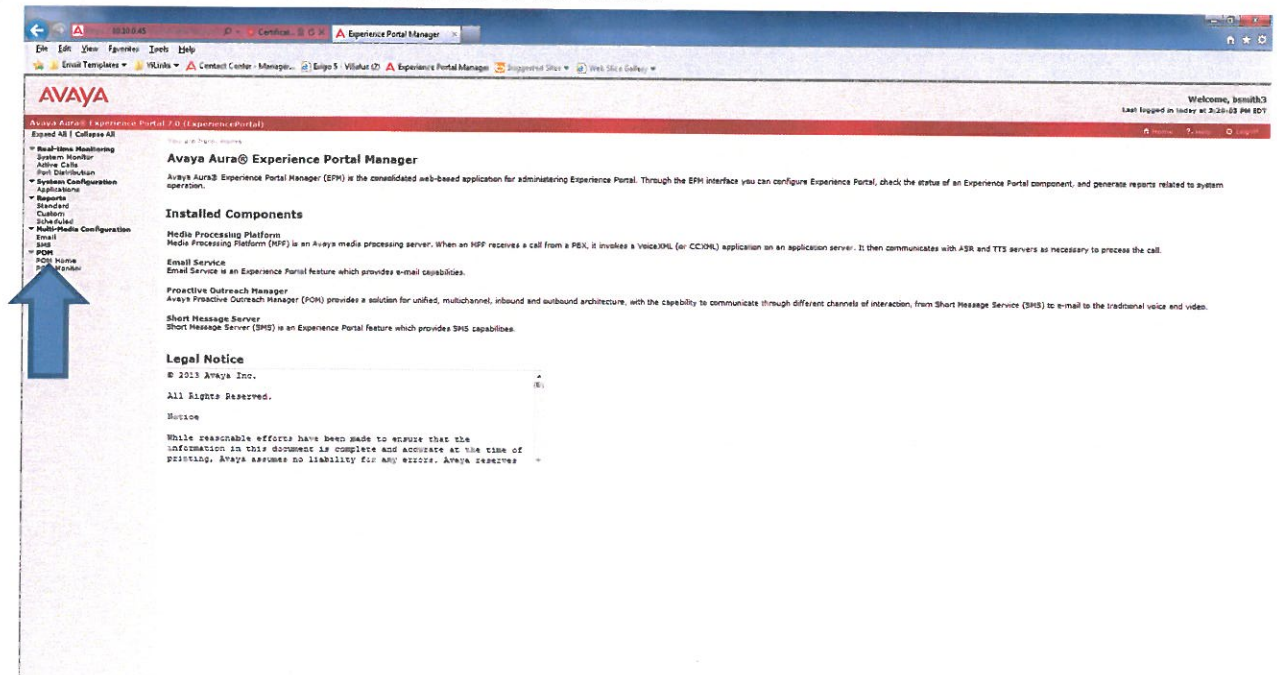
Finally click the **Save** button

Uploading contact list to POM

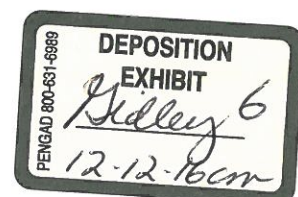
1) Log in to POM

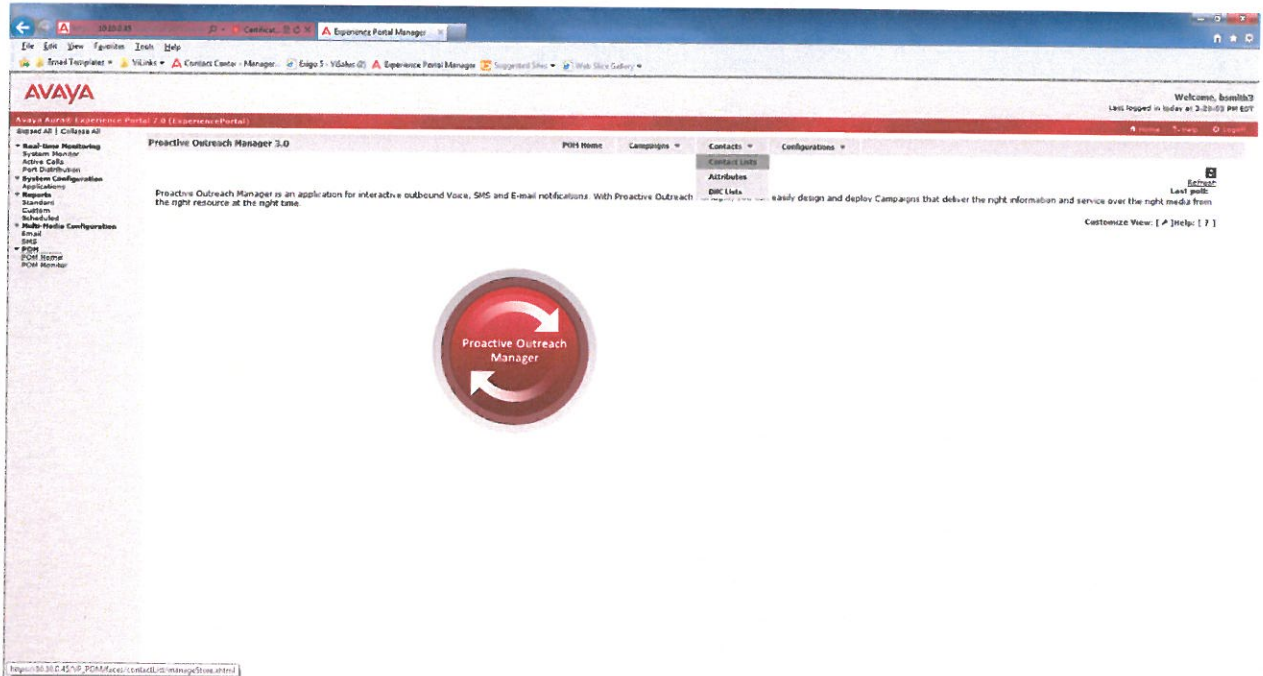


2) Select POM Home on the left hand side of the screen

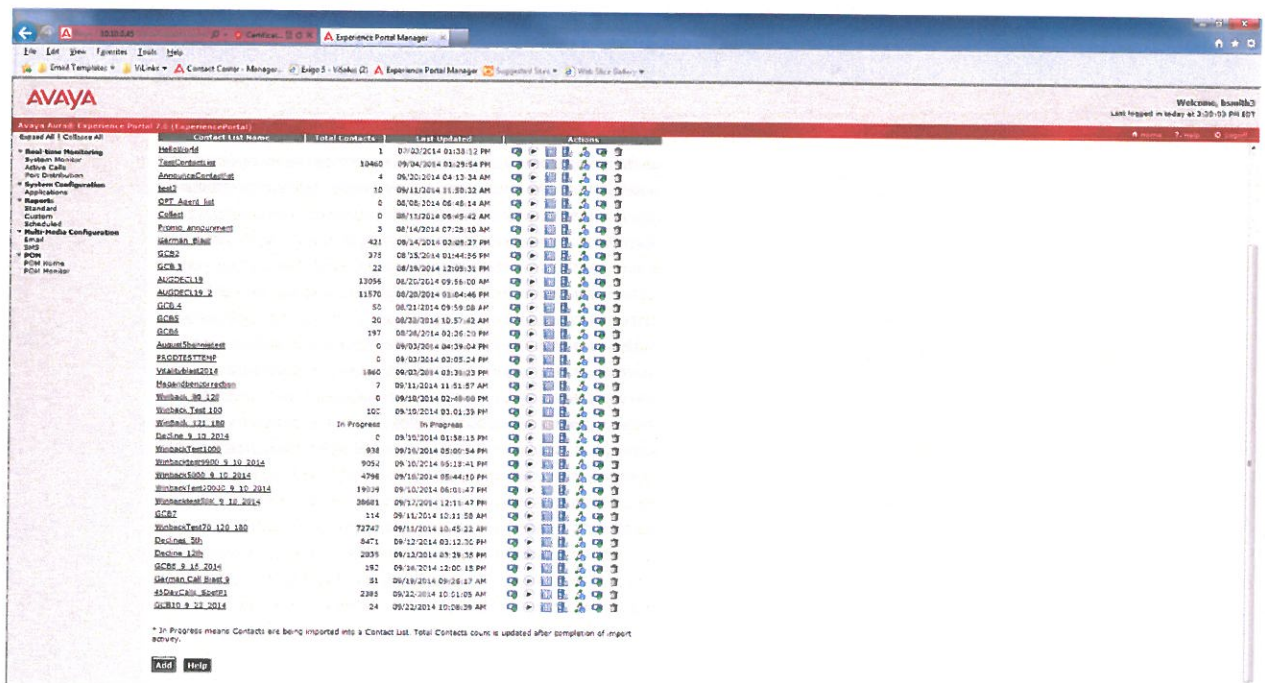


3) Hit the down arrow in the **Contacts** tab at the top middle of the screen and select **contacts**.

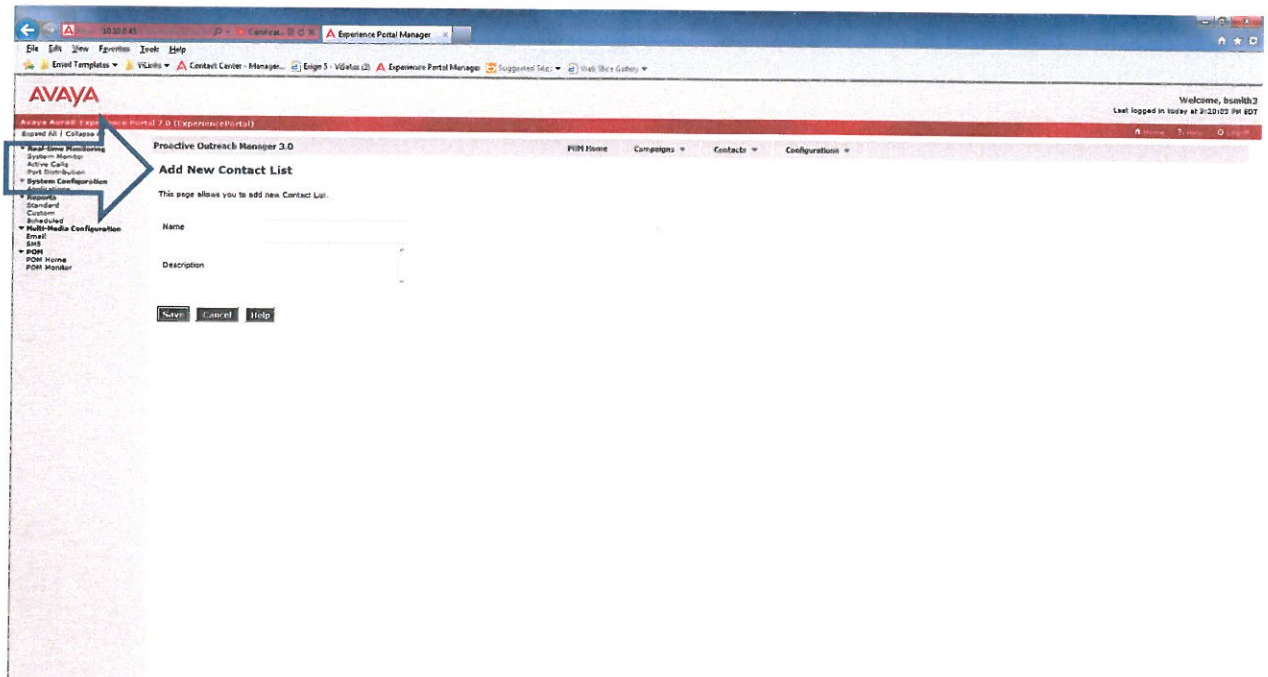




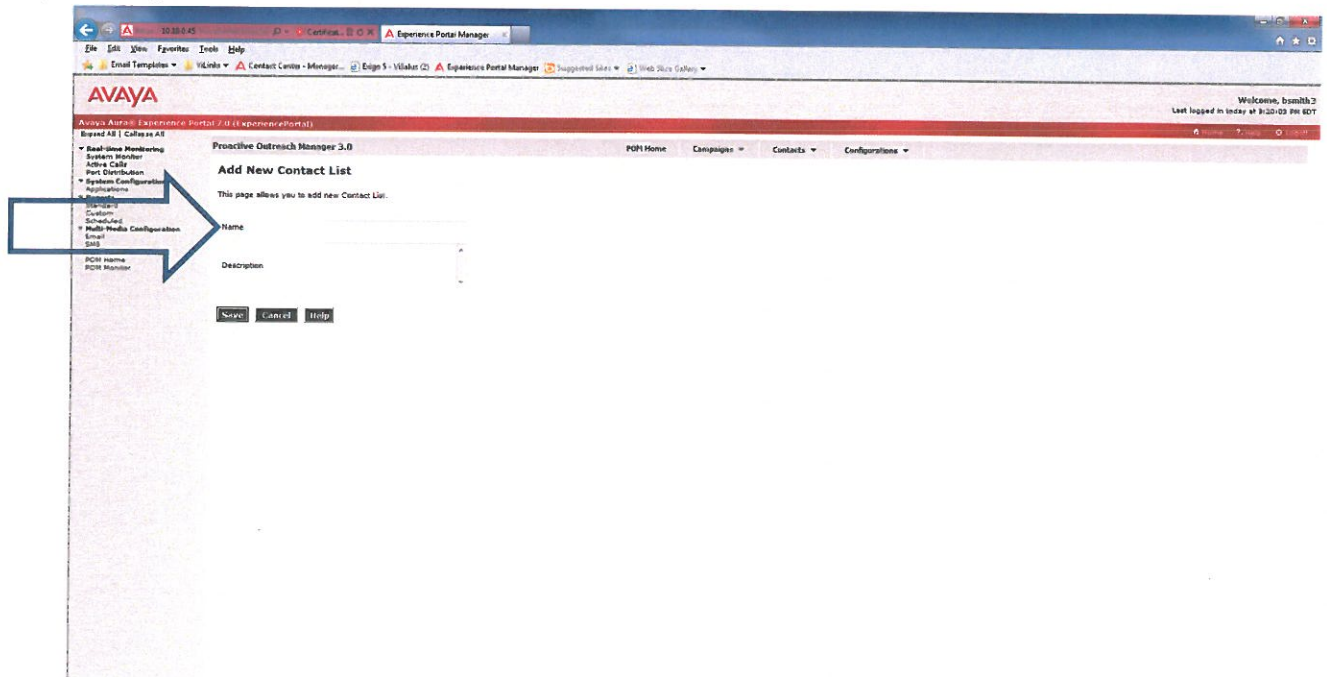
4) Click add at the bottom of the screen



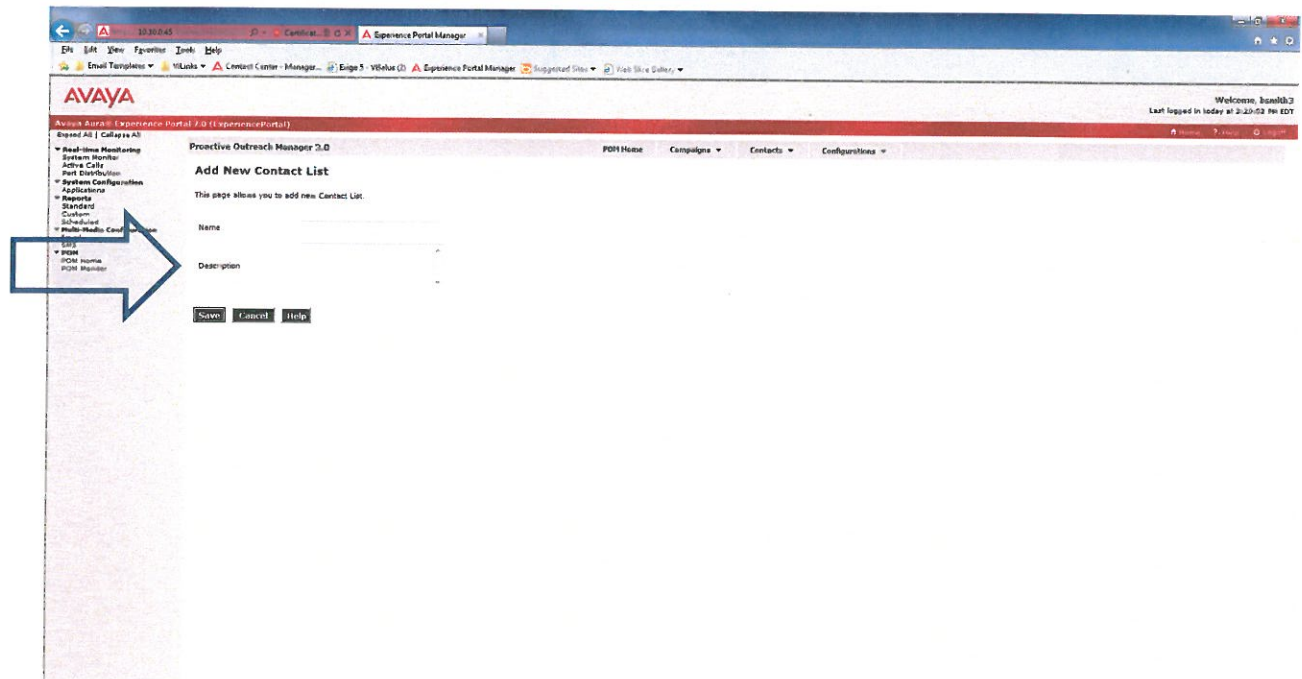
5) Add New Contact List screen appears.



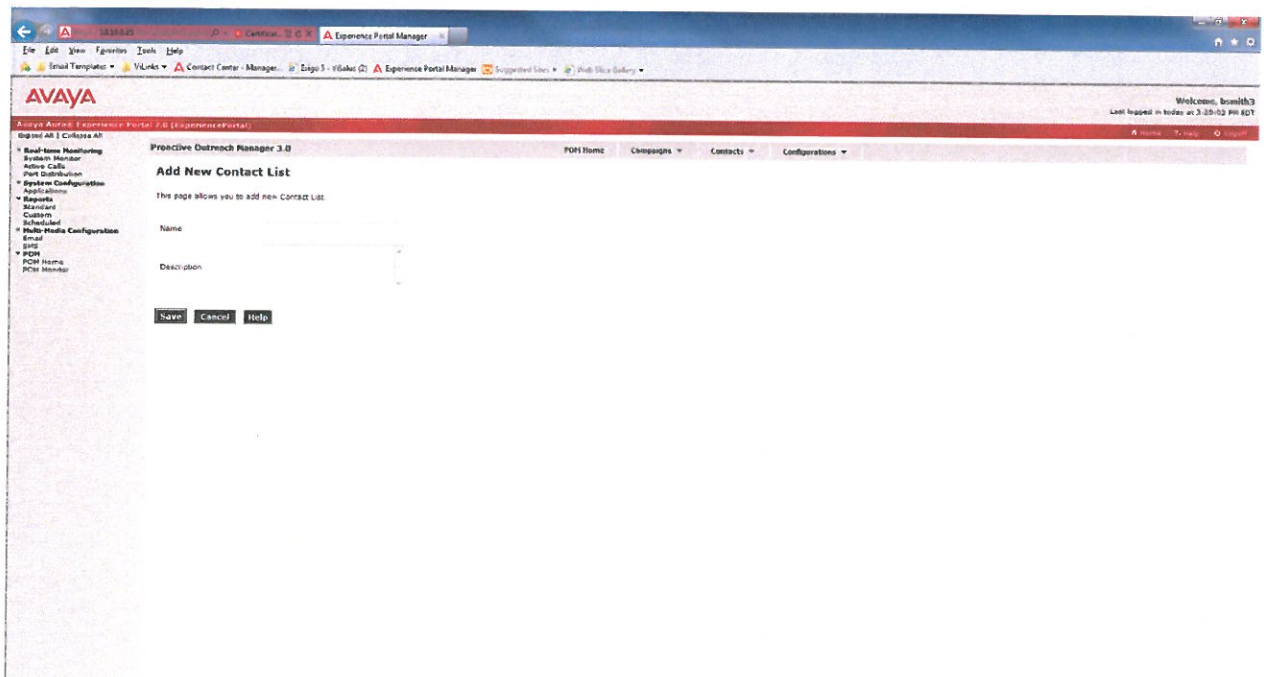
6) Name your contact list



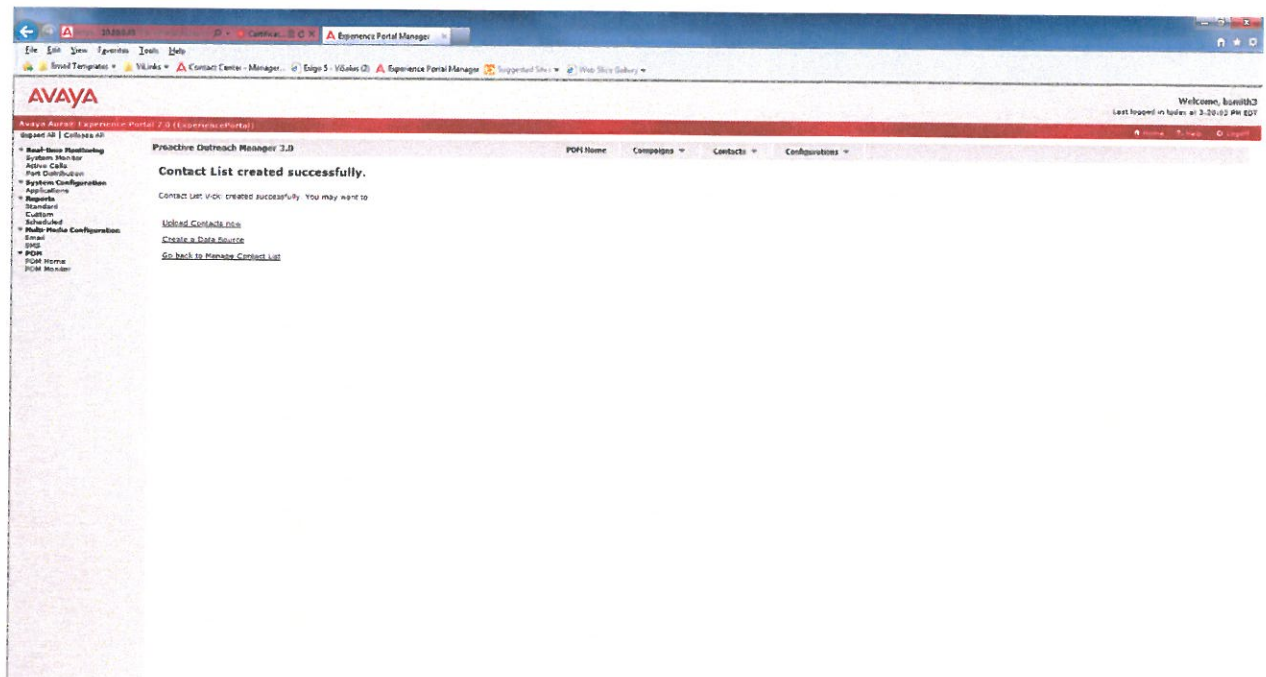
7) Give your list a description



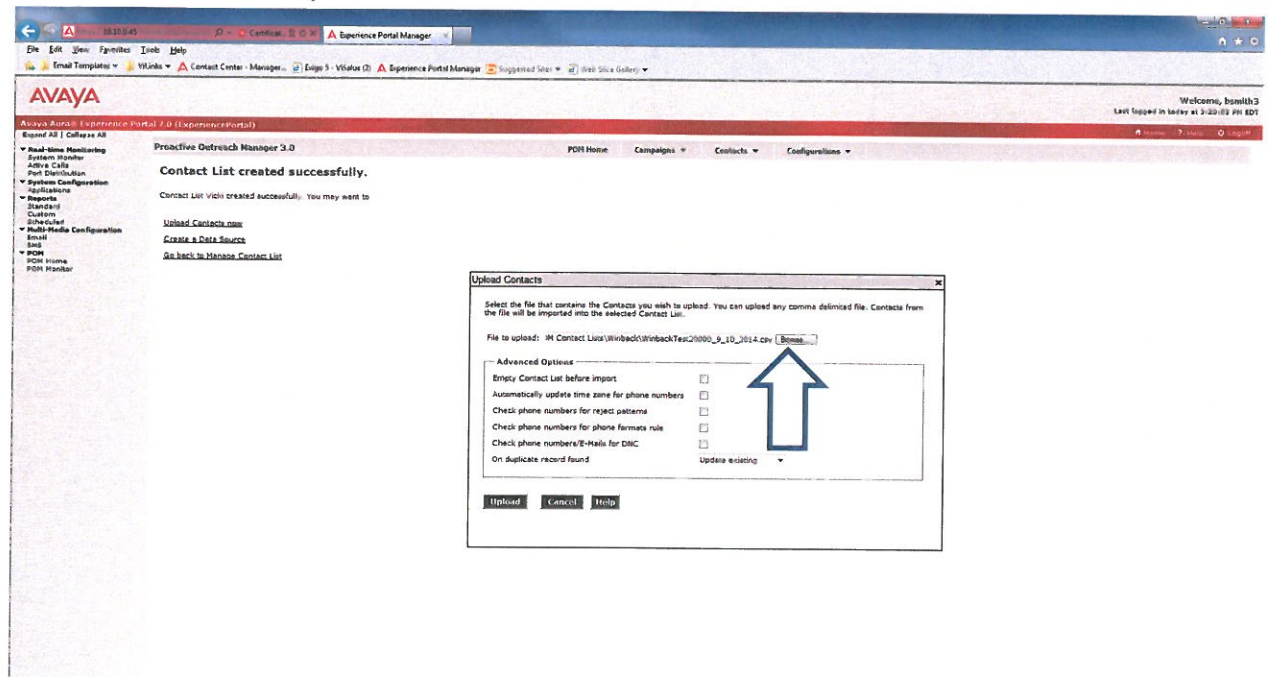
8) Click the Save tab



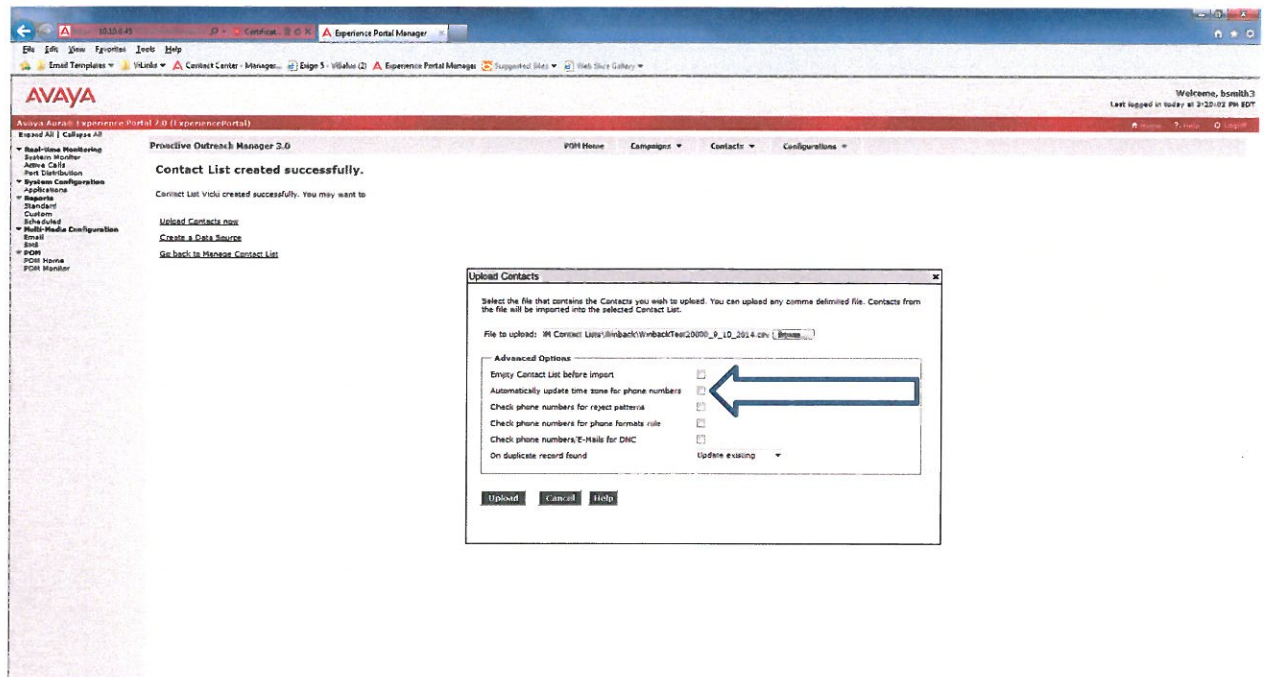
9) After clicking Save you will be brought to this screen to upload contacts now. Click Upload Contacts Now



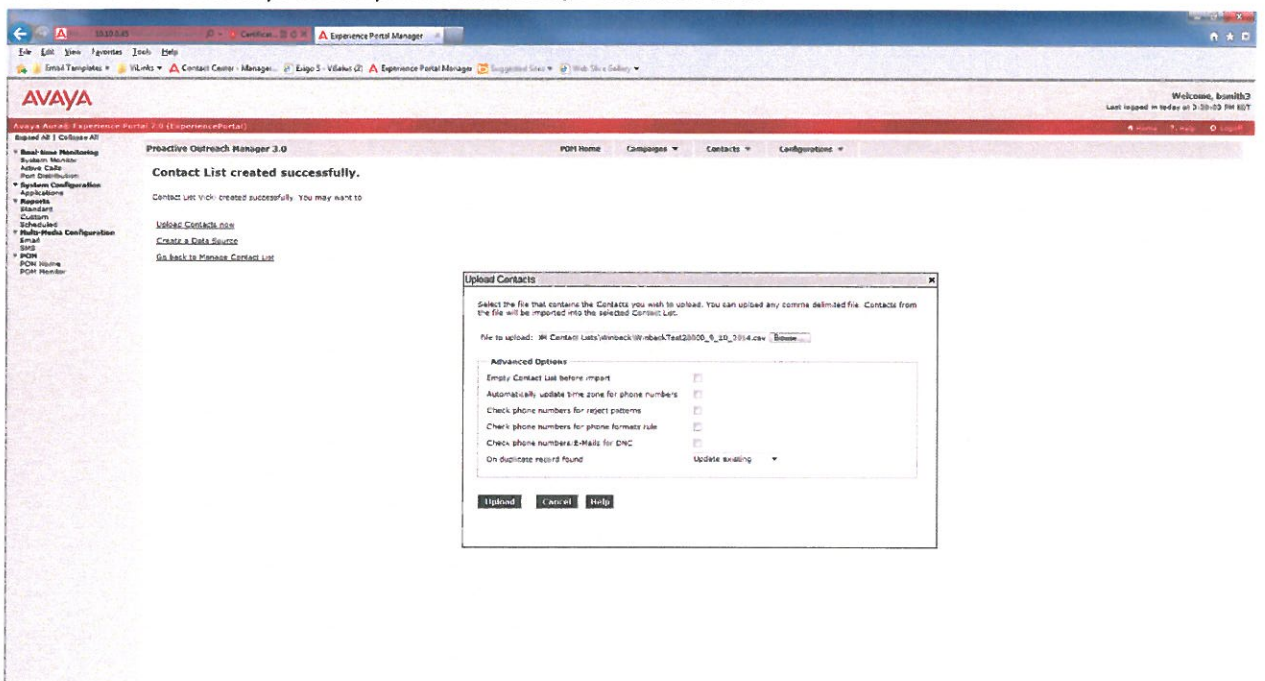
10) Click Browse and select your contact list from the V drive



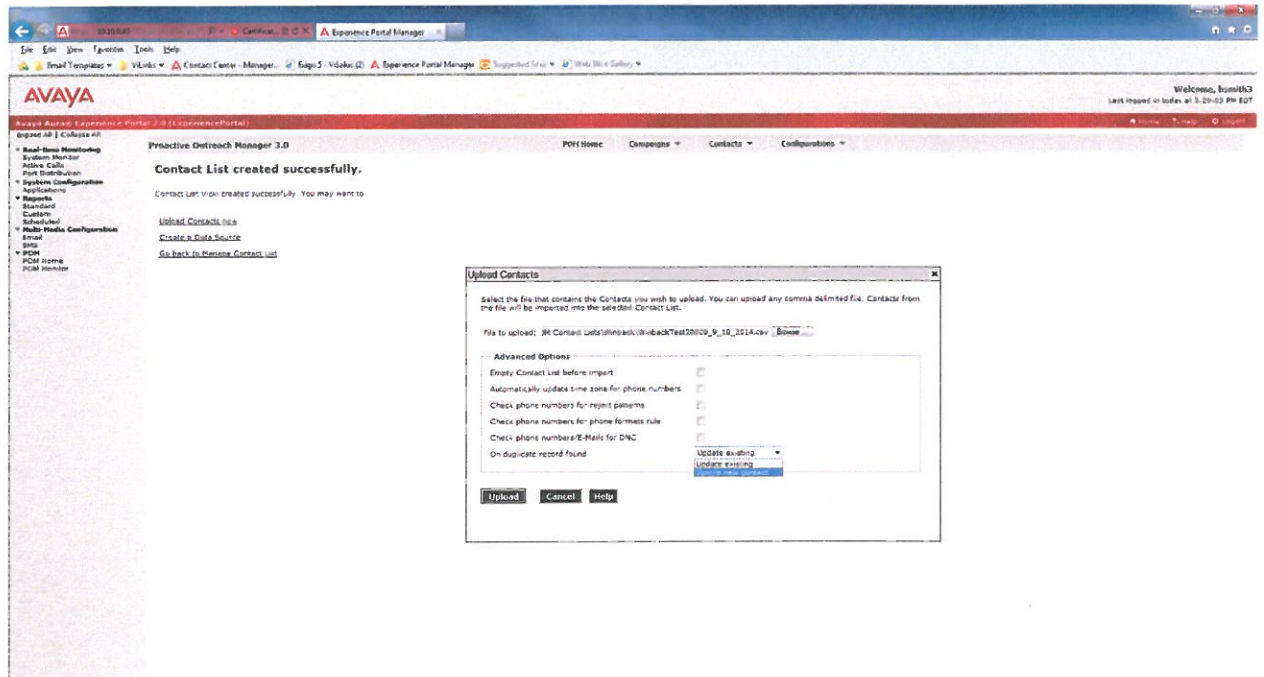
11) Check the box that says Automatically update time zone for phone numbers



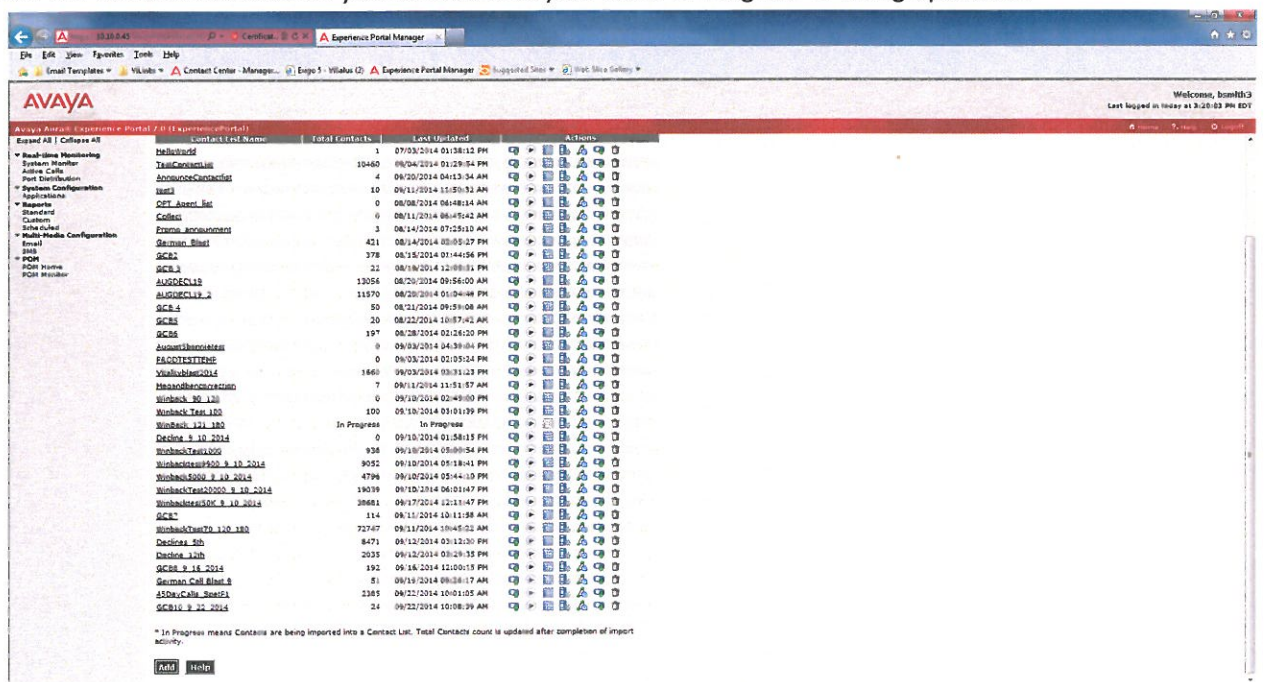
12) Check the box that says Check phone numbers/E-Mails for DNC



13) Select Ignore new contacts and then upload

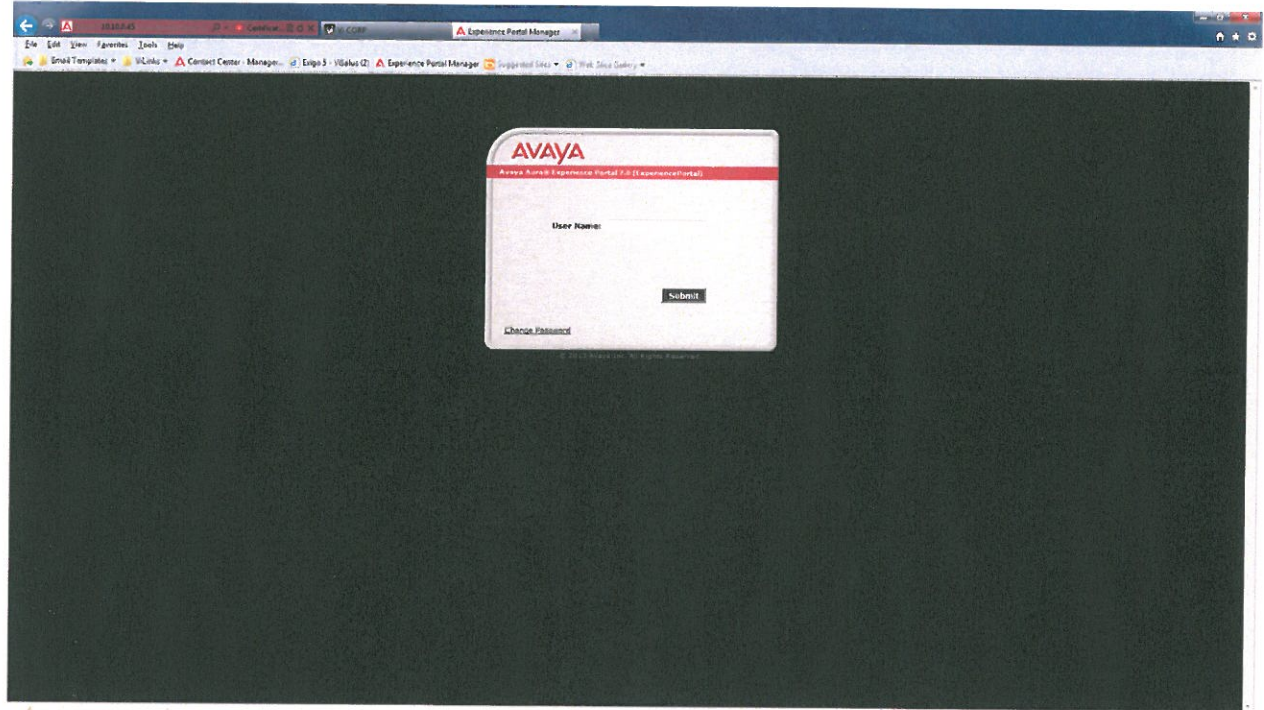


14) On the Contact Lists screen you will see that your list is In Progress of being uploaded.

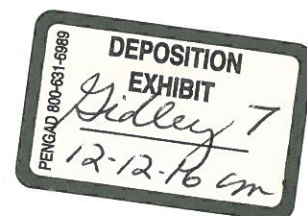
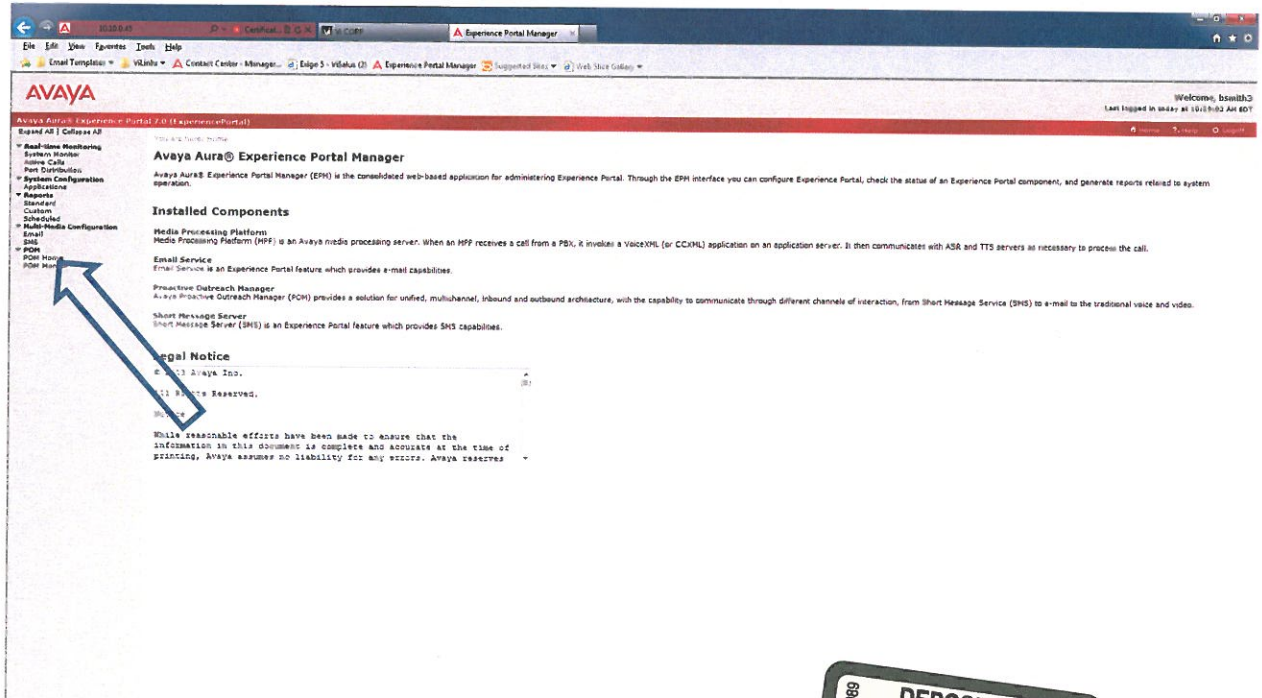


How to Start a campaign with the correct Contact List

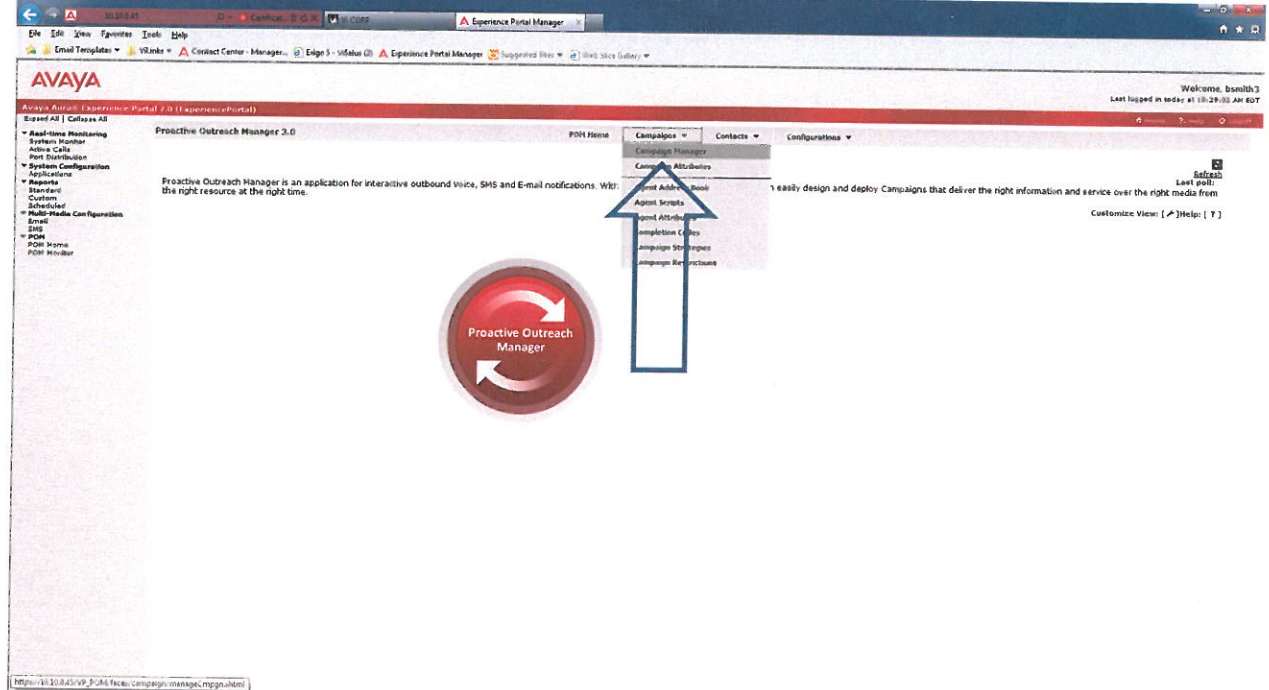
1) Log In To POM



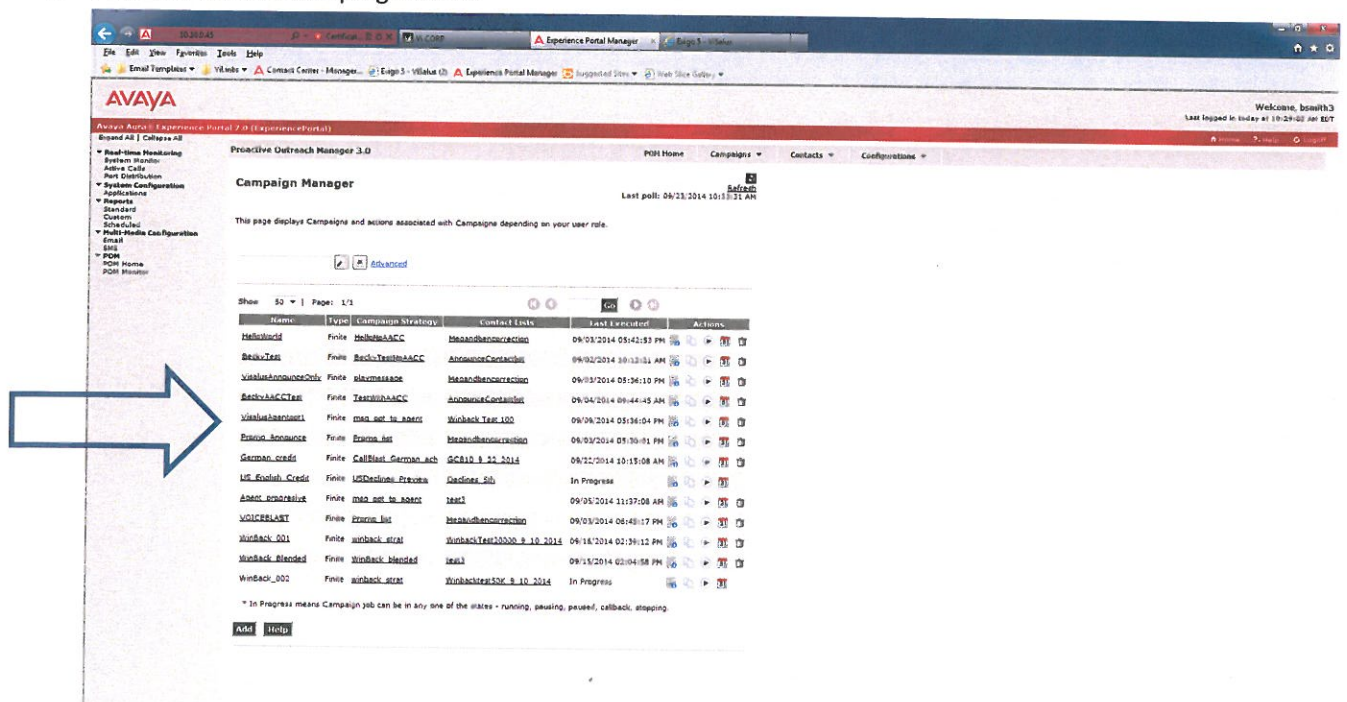
2) Click on Home on the Left Side of the screen



3) Select Campaign Manager



4) Find the correct campaign name



5) Make sure the correct contact list is loaded

Avaya Experience Portal 7.0 (Experience Portal)

Proactive Outreach Manager 3.0

Campaign Manager

This page displays Campaigns and actions associated with Campaigns depending on your user role.

Advanced

Name	Type	Campaign Strategy	Contact List	Last Executed	Actions
Hellobird	Finite	HellobirdAACC	MessageConnection	06/03/2014 05:42:53 PM	[Play] [Stop] [Refresh]
BackToYou	Finite	BackToYouAACC	AnonymousConnection	06/02/2014 10:12:21 AM	[Play] [Stop] [Refresh]
VisibleAnnounceOnly	Finite	playmessage	MessageConnection	05/03/2014 07:36:10 PM	[Play] [Stop] [Refresh]
BackToYouCTest	Finite	TestToYouAACC	AnonymousConnection	06/04/2014 09:44:45 AM	[Play] [Stop] [Refresh]
VisibleAnnounceTest	Finite	msg_set_to_speak	Winback_Test_100	06/09/2014 05:36:04 PM	[Play] [Stop] [Refresh]
Pronto Announce	Finite	Pronto list	MessageConnection	06/03/2014 05:30:01 PM	[Play] [Stop] [Refresh]
German Credit	Finite	Callblast_German_sch	QCE10_9_10_2014	06/22/2014 10:15:08 AM	[Play] [Stop] [Refresh]
US English Credit	Finite	USDebtless_Preview	Debtless_5th	In Progress	[Play] [Stop] [Refresh]
Agent Announce	Finite	msg_set_to_speak	test1	06/05/2014 11:37:08 AM	[Play] [Stop] [Refresh]
VOICELAST	Finite	Pronto list	MessageConnection	06/03/2014 06:45:17 PM	[Play] [Stop] [Refresh]
Winback_001	Finite	winback_strat	WinbackTest10000_9_10_2014	06/16/2014 02:39:12 PM	[Play] [Stop] [Refresh]
Winback_Bleeding	Finite	winback_bleeding	test1	06/15/2014 02:04:58 PM	[Play] [Stop] [Refresh]
Winback_002	Finite	winback_strat	WinbackTest500_9_10_2014	In Progress	[Play] [Stop] [Refresh]

* In Progress means Campaign job can be in any one of the states - running, pausing, paused, callback, stopping.

Add Help

6) Click on the play button

Avaya Experience Portal 7.0 (Experience Portal)

Proactive Outreach Manager 3.0

Campaign Manager

This page displays Campaigns and actions associated with Campaigns depending on your user role.

Advanced

Name	Type	Campaign Strategy	Contact List	Last Executed	Actions
Hellobird	Finite	HellobirdAACC	MessageConnection	06/03/2014 05:42:53 PM	[Play] [Stop] [Refresh]
BackToYou	Finite	BackToYouAACC	AnonymousConnection	06/02/2014 10:12:21 AM	[Play] [Stop] [Refresh]
VisibleAnnounceOnly	Finite	playmessage	MessageConnection	05/03/2014 07:36:10 PM	[Play] [Stop] [Refresh]
BackToYouCTest	Finite	TestToYouAACC	AnonymousConnection	06/04/2014 09:44:45 AM	[Play] [Stop] [Refresh]
VisibleAnnounceTest	Finite	msg_set_to_speak	Winback_Test_100	06/09/2014 05:36:04 PM	[Play] [Stop] [Refresh]
Pronto Announce	Finite	Pronto list	MessageConnection	06/03/2014 05:30:01 PM	[Play] [Stop] [Refresh]
German Credit	Finite	Callblast_German_sch	QCE10_9_10_2014	06/22/2014 10:15:08 AM	[Play] [Stop] [Refresh]
US English Credit	Finite	USDebtless_Preview	Debtless_5th	In Progress	[Play] [Stop] [Refresh]
Agent Announce	Finite	msg_set_to_speak	test1	06/05/2014 11:37:08 AM	[Play] [Stop] [Refresh]
VOICELAST	Finite	Pronto list	MessageConnection	06/03/2014 06:45:17 PM	[Play] [Stop] [Refresh]
Winback_001	Finite	winback_strat	WinbackTest10000_9_10_2014	06/16/2014 02:39:12 PM	[Play] [Stop] [Refresh]
Winback_Bleeding	Finite	winback_bleeding	test1	06/15/2014 02:04:58 PM	[Play] [Stop] [Refresh]
Winback_002	Finite	winback_strat	WinbackTest500_9_10_2014	In Progress	[Play] [Stop] [Refresh]

* In Progress means Campaign job can be in any one of the states - running, pausing, paused, callback, stopping.

Add Help

7) Click on Monitor and verify Campaign is running

The screenshot displays the Avaya Experience Portal 7.0 interface. The left sidebar contains a navigation menu with categories like 'Real-time Monitoring', 'System Configuration', and 'Reports'. The main content area is titled 'Prospective Outreach Manager 3.0' and shows a table of 'Active Campaigns'. Two blue arrows are overlaid on the image: one points to the 'Campaign Name' column header, and the other points to the 'Status' column header.

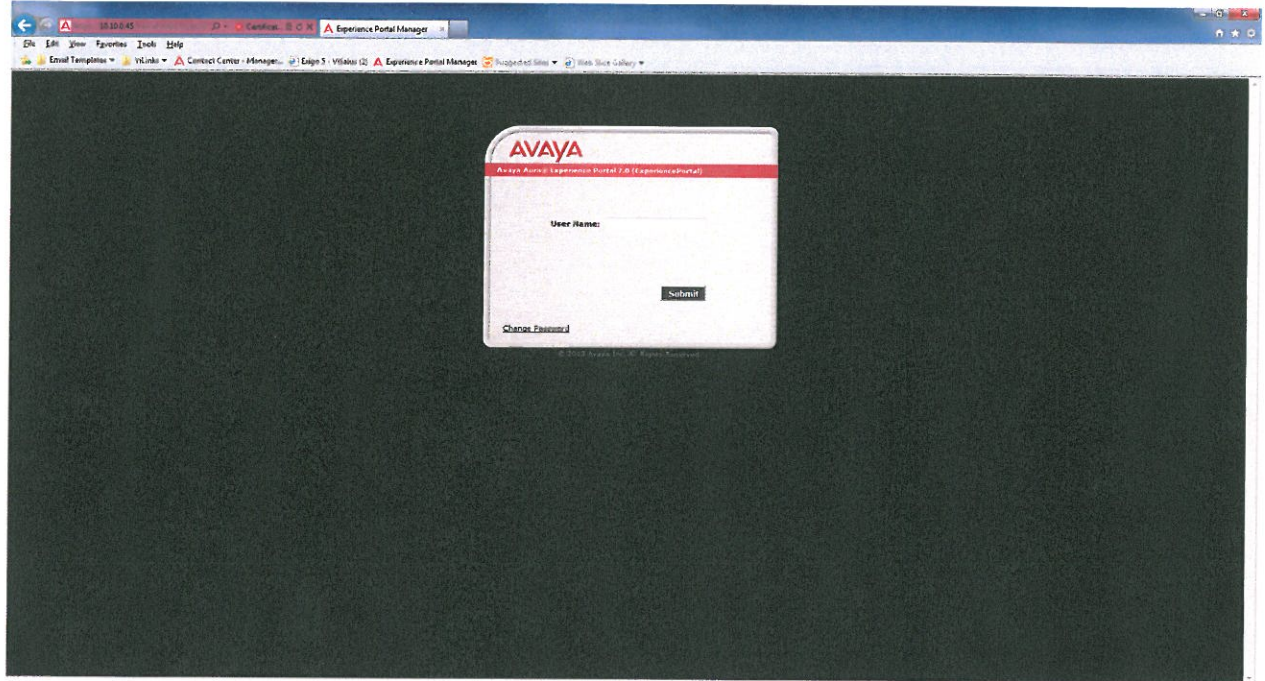
Campaign Name	Campaign Type	Job ID	Status	Contact List(s)	Organization	Start Time	Total Contacts	Processed Contacts	Agents
US_English_Cr...	Initial	219	Paused	Declines_5th		06/16/2014 8:4...	8171	882	0
WtoBack_002	Initial	222	Running	WinBackList50...		06/17/2014 5:2...	30981	19257	7

Total: 2 Running; 1 Paused; 1 Other: 0

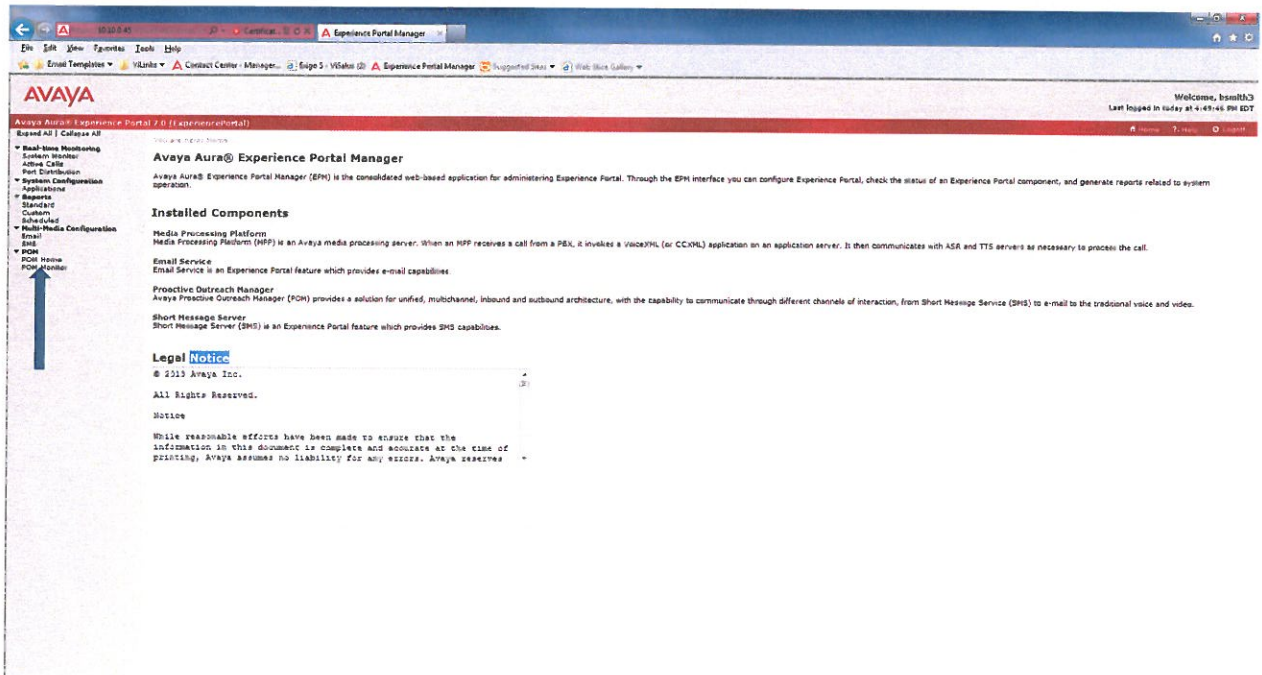
Active Delta Imports Active DMC Imports Active Agents License Summary Inbound Skills

How to Pause, Resume and Stop a Campaign from running in POM

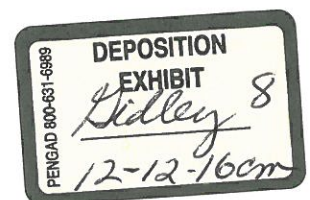
1) Log in to POM

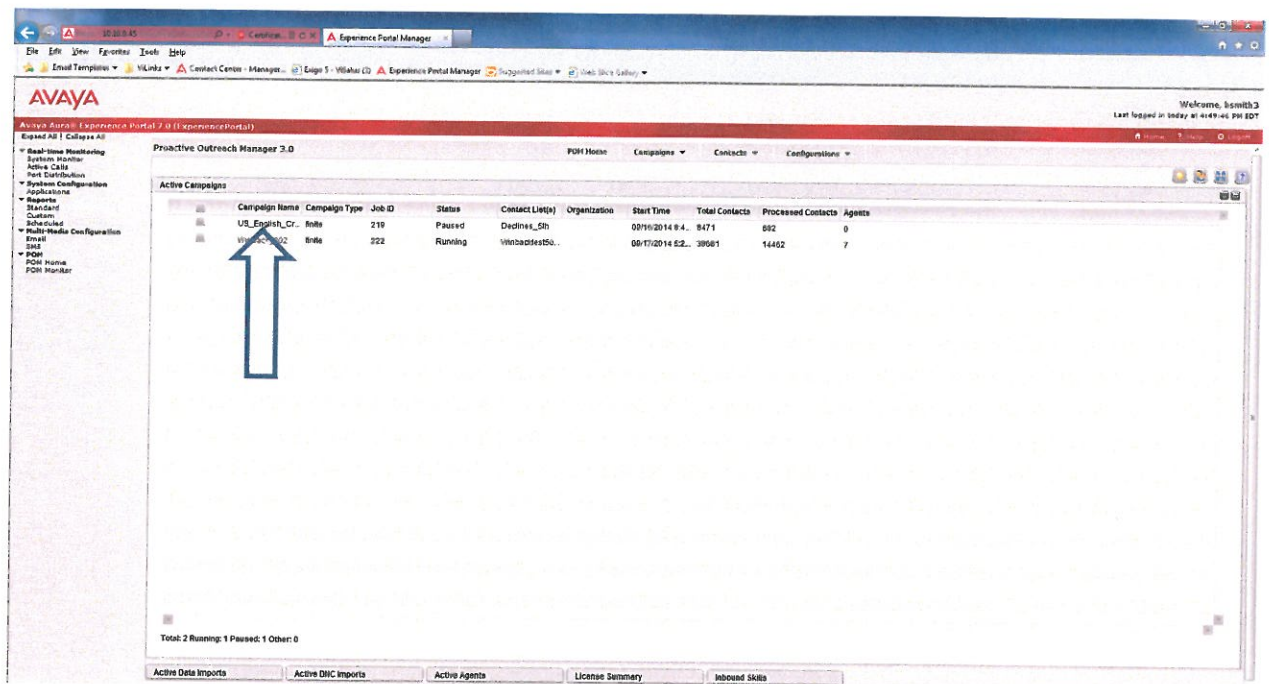


2) Select Monitor on the left side of the screen

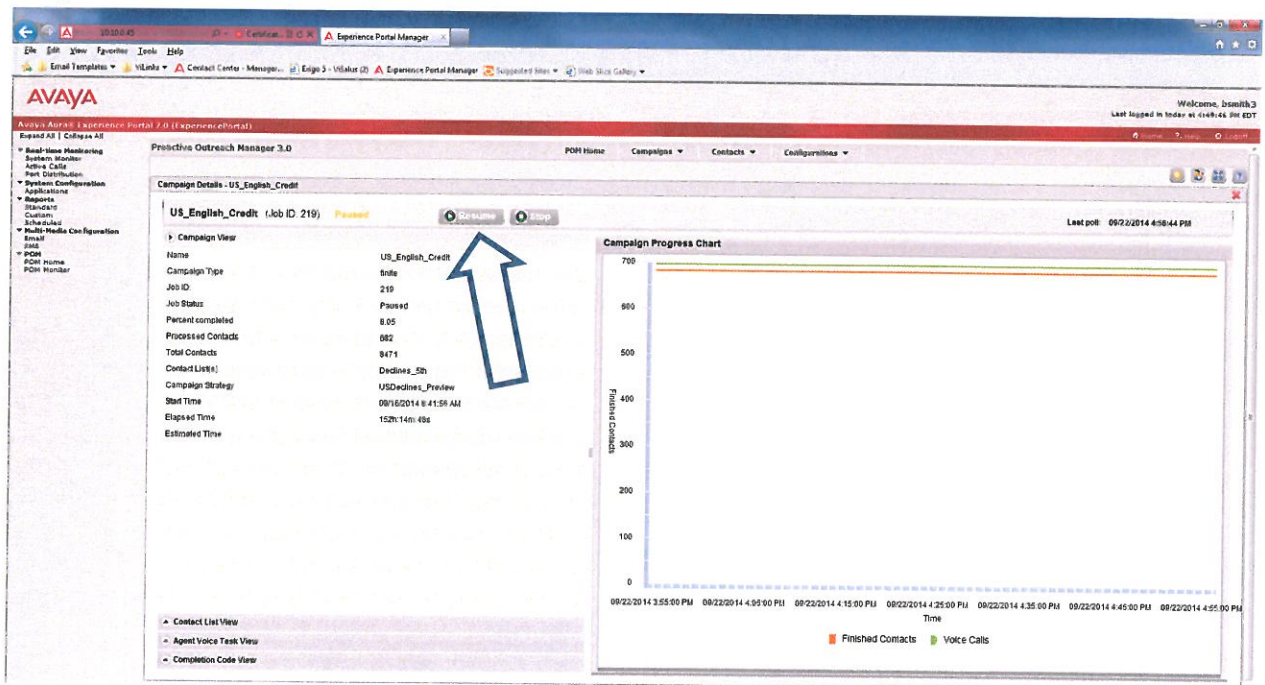


3) If a campaign is Paused and you want to resume the campaign click the Paused Campaign

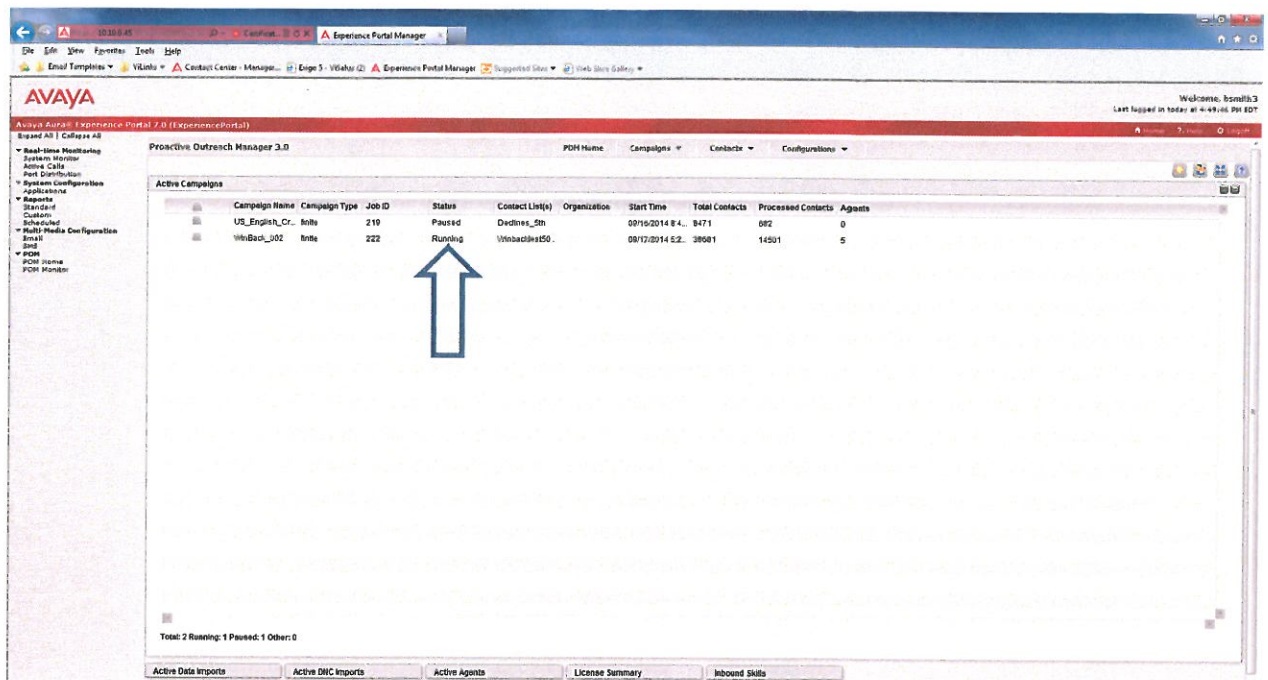




- 4) Select Resume and the campaign will pick up where it was paused from. Similar to pausing a song



- 5) If a campaign is in progress and you want to Pause or Stop it. Select a campaign that is in running status



Avaya Experience Portal (Experience Portal)

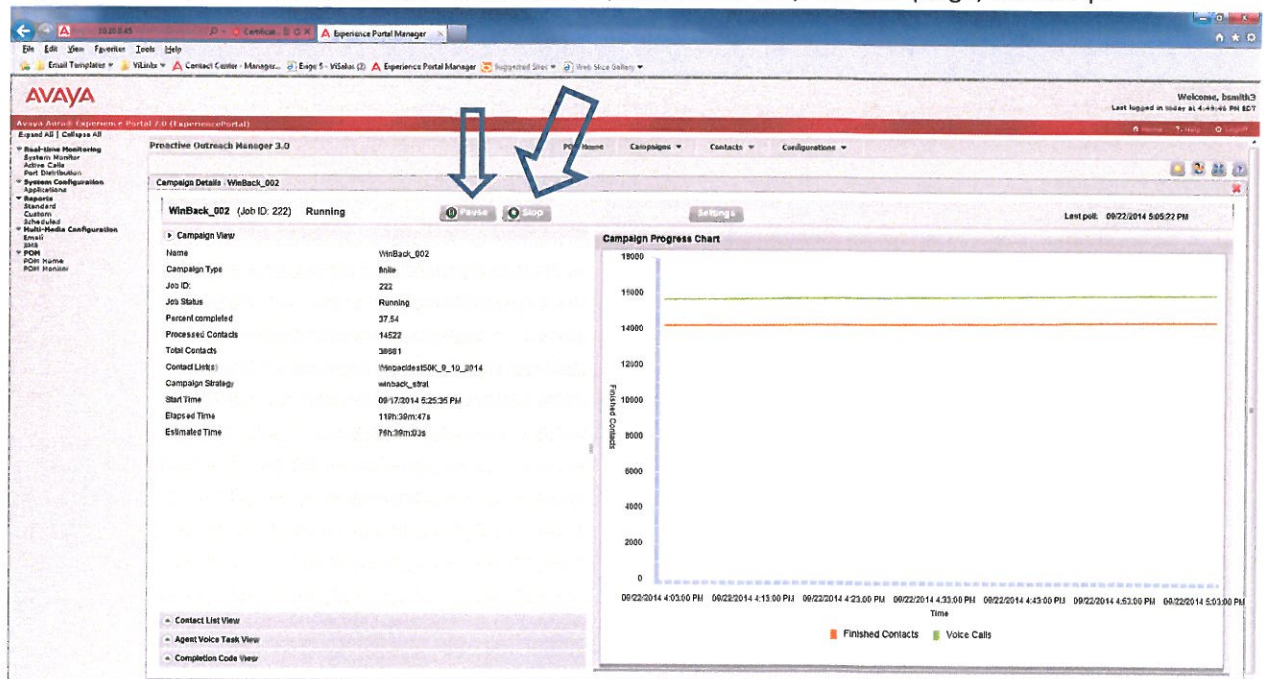
Proactive Outreach Manager 3.0

Campaign Name	Campaign Type	Job ID	Status	Contact List(s)	Organization	Start Time	Total Contacts	Processed Contacts	Agents
US_English_Cr...	Intl	210	Paused	Dedines_5th		00/16/2014 8:4...	8471	662	0
WinBack_002	Intl	222	Running	Winback00250		08/17/2014 5:2...	38981	14501	5

Total: 2 Running: 1 Paused: 1 Other: 0

Active Data Imports Active DNC Imports Active Agents License Summary Inbound Skills

6) If you want to pause the campaign, click Pause. If you want to stop the campaign, click Stop.



Avaya Experience Portal (Experience Portal)

Proactive Outreach Manager 3.0

Campaign Details - WinBack_002

WinBack_002 (Job ID: 222) Running

Pause Stop

Campaign View

Name	WinBack_002
Campaign Type	Intl
Job ID	222
Job Status	Running
Percent completed	37.54
Processed Contacts	14522
Total Contacts	38981
Contact List(s)	Winback00250K_8_10_2014
Campaign Strategy	winback_strat
Start Time	08/17/2014 5:25:35 PM
Elapsed Time	11h:38m:47s
Estimated Time	76h:38m:32s

Settings

Campaign Progress Chart

Finished Contacts Voice Calls

EXHIBIT B

JUSTIN CALL Volume 1
LORI WAKEFIELD vs VISALUS

January 20, 2017

1

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

LORI WAKEFIELD, on behalf of
themselves and a class of
others similarly situated,

Plaintiff,

No. 3:15-cv-01857-BR

v.

VISALUS, INC., a Nevada
Corporation,

Defendant.

ORAL DEPOSITION OF JUSTIN CALL

VOLUME 1

ANSWERS AND DEPOSITION OF JUSTIN CALL, produced as
a witness at the instance of the Plaintiff, taken in the
above-styled and -numbered cause on the 20th day of
January, 2017, A.D., beginning at 9:57 a.m., before
Brandy Cooper, a Certified Shorthand Reporter in and for
the State of Texas, in the offices of Esquire Deposition
Solutions, located at 1700 Pacific Avenue, Suite 1000,
Dallas, Texas, in accordance with the Federal Rules of
Civil Procedure and the agreement hereinafter set forth.

1 A. Well --

2 Q. Sorry. Go ahead.

3 A. No, go ahead. POM is not the only way to play
4 a prerecorded message, but as far as to my awareness and
5 any involvement, that would be what it was limited to is
6 the POM instance of that. There's lots of different
7 things that do prerecorded messages.

8 Q. Did Visalus use any of the other mechanisms
9 that you've identified?

10 MS. ANCHORS: Foundation.

11 A. I mean, we -- yeah, we've done voice casting
12 before, yes.

13 Q. (BY MR. POLLOCK) Okay.

14 A. With -- it's basically just a message saying
15 your credit card declined, please contact us.

16 Q. When did Visalus begin using voice casting?

17 MS. ANCHORS: Foundation.

18 A. I don't know.

19 Q. (BY MR. POLLOCK) Prior to beginning to use
20 POM?

21 A. I'm not -- I don't know. I mean, I just don't
22 know. We used it with POM. We just called it voice
23 casting, you know, it was with POM or with -- you know,
24 so that's just -- that was the terminology that we used,
25 voice casting.

1 Q. Okay. And then the prerecorded messages
2 whether they were sent via voice cast, POM or some
3 other --

4 MS. ANCHORS: Form.

5 A. And voice casting, I'm saying that's what I
6 called them with POM.

7 Q. (BY MR. POLLOCK) Got it.

8 A. Like let's send a voice cast out through POM.

9 Q. Okay. So for the messages for the voice casts,
10 who created those messages?

11 A. I can -- I mean, the only one I can recall
12 specifically was one that Blake -- Blake did about
13 registering for an event. And I know we had -- I know
14 we had one for the declined credit cards, but I don't
15 recall who did that message.

16 Q. Are you aware of any voice casts done in
17 conjunction with a Winback campaign?

18 A. Not that I specifically recall.

19 Q. Okay. So I want to go ahead and play an audio
20 clip for you.

21 A. Okay.

22 Q. Let me restart that.

23 (Audio portion was played.)

24 Q. (BY MR. POLLOCK) Have you ever heard that
25 message before?

1 end of 2015 when the outreach team existed?

2 A. So it was a pretty short window of time. So
3 wanted to try everybody because we wanted -- you know,
4 we wanted -- you don't get all the rates. Your open
5 rates on e-mails are pretty small so you want to try to
6 reach more people because obviously it's good for the
7 company if people come back. And it's good for them if
8 they can come back to do something they've purchased at
9 full price and come back and do it half price. And we
10 quickly realized that the old ones don't -- aren't
11 productive, and we don't have enough people and enough
12 manpower to hit them all anyway, so we focused on the
13 more recent three-to-nine-month period.

14 Q. Okay. So when a campaign was started and
15 people were receiving calls, say a Winback campaign, do
16 you have any understanding as to what the first thing
17 that the call recipient would hear would be?

18 A. I don't.

19 Q. Okay. Do you know what a Press One campaign
20 is?

21 A. Yes.

22 Q. What is a Press One campaign?

23 A. It's -- if you Press One to be connected to a
24 live person now.

25 Q. Is that typically how Winback campaigns were

1 STATE OF TEXAS)

2 I, Brandy Cooper, a Certified Shorthand Reporter
3 duly commissioned and qualified in and for the State of
4 Texas, do hereby certify that there came before me on
5 the 20th day of January, A.D., 2017, at 9:57 a.m., at
6 the offices of Esquire Deposition Solutions, located at
7 1700 Pacific Avenue, Suite 1000, in the City of Dallas,
8 State of Texas, the following named person, to wit:

9 JUSTIN CALL, who was by me duly cautioned and sworn to
10 testify the truth, the whole truth and nothing but the
11 truth, of knowledge touching and concerning the matters
12 in controversy in this cause; and that he was thereupon
13 carefully examined upon his oath, and his examination
14 was reduced to writing under my supervision; that the
15 deposition is a true record of the testimony given by
16 the witness.

17 I further certify that the witness has requested a
18 review pursuant to Rule 30(e)(2).

19 I further certify that I am neither attorney or
20 counsel for, nor related to or employed by any of the
21 parties to the action in which this deposition is taken,
22 and further that I am not a relative or employee of any
23 attorney or counsel employed by the parties hereto, or
24 financially interested in the action.

25 CERTIFIED TO BY ME on this 23rd day of January,

JUSTIN CALL Volume 1
LORI WAKEFIELD vs VISALUS

January 20, 2017
127

2017.

Brandy Cooper

BRANDY COOPER, CSR
Certification Expires 12-31-2018
Firm Registration No. 286
1700 Pacific Avenue, Suite 1000
Dallas, Texas 75201
(214) 257-1436

Taxable cost of original charged to Plaintiff:
\$ _____

Attorney: Mr. Pollock